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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,544

01/22/2002

Bill Kavadeles

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8851

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10/23/2003

FARJAMI & FARJAMI LLP  
16148 SAND CANYON  
IRVINE, CA 92618

EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,544

Applicant(s)

KAVADELES ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- **Th MAILING DATE of this communication app ars on th cover sh t with the correspond nce address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1954.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-54 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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1. This application has been transferred to a different examiner and in view of Applicant's remarks filed September 4, 2003, the following regrouping of the claims is provided. The delay is regretted.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13, drawn to a cleaning apparatus, classified in class 134, subclass 95.1.
- II. Claims 14-28, and 33-35 drawn to a cleaning apparatus, classified in class 134, subclass 111.
- III. Claims 29-32, drawn to a filter assembly, classified in class 210, subclass 407.
- IV. Claims 36-39, drawn to a method of cleaning a vehicle oil system, classified in class 134, subclass 22.1.
- V. Claims 40-43, drawn to a thread gauge, classified in class 73, subclass 116.
- VI. Claims 44-46, drawn to a filter cleaning system, classified in class 134, subclass 104.1.
- VII. Claims 47-54, drawn to a cleaning system employing compressed air classified in class 15, subclass 405.

3. The inventions are distinct, each from the other because:

- i) Inventions of GROUP I and of GROUP II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention

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of GROUP II has separate utility such as in a device not requiring an air compressor or an air storage tank. See MPEP § 806.05(d).

ii) Inventions of GROUP I and of GROUP III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP I has separate utility such as in a device not requiring a filter, a filter suction assembly, a suction tube or a pump to pump fluid out of the filter. See MPEP § 806.05(d).

iii) Inventions of GROUP I and of GROUP IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case apparatus as claimed can be used to practiced another and materially different process such as one not requiring the insertion of a suction wand into a dipstick tube.

iv) Inventions of GROUP I and of GROUP V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects.

v) Inventions of GROUP I and of GROUP VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct

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from each other if they are shown to be separately usable. In the instant case, invention of GROUP I has separate utility such as in a device not requiring a filter and the delivery of compressed air to the filter. See MPEP § 806.05(d).

vi) Inventions of GROUP I and of GROUP VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring the cycling of a first and second fluid. See MPEP § 806.05(d).

vii) Inventions of GROUP II and of GROUP III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP III has separate utility such as in a device not requiring a system having a pump, a second fluid, a return hose and an output hose. See MPEP § 806.05(d).

viii) Inventions of GROUP II and of GROUP IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one not requiring the insertion of a suction wand into a dipstick tube.

ix) Inventions of GROUP II and of GROUP V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and

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they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects.

x) Inventions of GROUP II and of GROUP VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VI has separate utility such as in a device not requiring an apparatus pump for pumping a second fluid into the system and the operation of a system pump. See MPEP § 806.05(d).

xi) Inventions of GROUP II and of GROUP VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring an apparatus filter, the operation of a system pump or the operation of an apparatus pump. See MPEP § 806.05(d).

xii) Inventions of GROUP III and of GROUP IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects

xiii) Inventions of GROUP III and of GROUP V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and

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they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects.

xiv) Inventions of GROUP III and of GROUP VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP VI has separate utility such as in a device not requiring a filter suction assembly or a suction tube. See MPEP § 806.05(d).

xv) Inventions of GROUP III and of GROUP VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of GROUP III has separate utility such as in a device not requiring an air compressor, and air storage tank or a time-release control. See MPEP § 806.05(d).

xvi) Inventions of GROUP IV and of GROUP V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects.

xvii) Inventions of GROUP IV and of GROUP VI are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different

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process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be practiced by another and materially different process such as one not requiring the insertion of a suction wand into a dipstick tube.

xviii) Inventions of GROUP IV and of GROUP VII are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be used to practice another and materially different process such as one not requiring the insertion of a suction wand into a dipstick tube.

xix) Inventions of GROUP V and of GROUP VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects.

xx) Inventions of GROUP V and of GROUP VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions and different effects.

xxi) Inventions of GROUP VI and of GROUP VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct



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from each other if they are shown to be separately usable. In the instant case, invention of GROUP VII has separate utility such as in a device not requiring a tank including a second fluid, a filter or the delivery of compressed air to the filter. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manager Ms. Sandra Sewell (703) 308-0661.

fls



FRANKIE L. STINSON  
Primary Examiner  
Art Unit 1746